

## Article - Public Safety

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§12–915.

(a) On inspection, the Chief Boiler Inspector or an authorized deputy boiler inspector may prohibit the use of a boiler or pressure vessel if the inspector determines that:

(1) the boiler or pressure vessel or part of it violates a standard, safety code, or regulation adopted under this subtitle; and

(2) there is substantial probability that death, serious physical harm, or serious damage to property could result from continued use of the boiler or pressure vessel.

(b) (1) To prohibit the use of a boiler or pressure vessel, the Chief Boiler Inspector or an authorized deputy boiler inspector shall give the owner or the owner's agent notice that use of the boiler or pressure vessel is prohibited.

(2) The notice shall describe, in detail:

(i) the nature of each alleged violation;

(ii) the reason for the prohibition from use;

(iii) the penalties of this subtitle; and

(iv) if appropriate, a recommendation on how to correct the violation.

(c) A copy of the notice under subsection (b) of this section:

(1) shall be attached to the boiler or pressure vessel; and

(2) may not be removed by any person except the Chief Boiler Inspector or an authorized deputy boiler inspector until the Chief Boiler Inspector or an authorized deputy boiler inspector determines that:

(i) each violation described in the notice has been corrected;  
and

(ii) the threat of death, serious physical harm, or serious damage to property resulting from the violation has been eliminated.

(d) Use of a boiler or pressure vessel is prohibited while a notice under subsection (b) of this section is posted on the boiler or pressure vessel.

(e) If the owner or user of a boiler or pressure vessel continues to use a boiler or pressure vessel after notice is issued under subsection (b) of this section, the Commissioner may assess a civil penalty against the owner or user not exceeding \$1,000 per day for each boiler or pressure vessel in violation.

(f) (1) An owner or user who is aggrieved by a decision of the Commissioner, the Chief Boiler Inspector, or an authorized deputy boiler inspector under this section may bring an action to modify or vacate the decision on the ground that it is unlawful.

(2) An action under this subsection may be brought in the Circuit Court for Baltimore City or in the circuit court for the county where the boiler or pressure vessel is located.

(3) In a proceeding under this subsection, a court may not stay a decision of the Commissioner, the Chief Boiler Inspector, or an authorized deputy boiler inspector unless:

(i) the court gives the Commissioner notice and an opportunity for a hearing; and

(ii) the aggrieved owner or user posts security or meets each condition that the court considers proper.

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